

EXHIBIT 1

From: Owen, Brent R. [<mailto:brent.owen@squirepb.com>]
Sent: Wednesday, May 16, 2018 10:32 AM
To: Krauze, Raymond M.; robert.tonn@hklaw.com
Cc: william.farley@hklaw.com; Pasternak, Daniel B.; Moore, Abram; Pyznarski, Kathleen A.; Amoroso, Gwendolyn E.
Subject: Conferral, A&C Construction v. Zurich, et al. - re: A&C's First Production of Documents

Good morning Raymond,

I take it you have not received a response from the Army subpoena A&C served last month? (I believe the Army's response was due on May 4.)

Following up on my question about A&C's document production, Abe previously confirmed that this production included all of A&C's initial disclosure documents. The documents do not appear to support A&C's claim to \$8,637,423.00 for work performed—particularly the alleged delay damages. So, as an initial matter, can you please clarify whether this production reflects A&C's initial disclosure documents.

Defendants have the following additional concerns with this production. Perhaps we can discuss the below once you've reviewed.

- I. The document production does not comply with Rule 34.

Rule 34 requires A&C to produce its documents "as they are kept in the usual course of business" or to "organize and label them to correspond to the categories in the request." Fed. R. Civ. P. 34(b)(E). "The option to produce in a reasonably usable form does not mean that the responding party may convert electronically stored information from the form in which it is ordinarily maintained to a different form that makes it more difficult or burdensome for the requesting party to use the information efficiently in the litigation." *Id.*, advisory committee's note, 2006 amendment (emphasis added). Defendants additionally specified that the documents be electronically produced in a form that is reasonably usable, including all accompanying information.

Yet A&C has produced documents in a haphazard and incomplete manner. For instance, A&C has produced several copies purporting to summarize its costs, but the summary and its attachments are not kept together in the production, and each PDF is a standalone document without affiliation to its applicable family. Nor are the emails offered and organized in any logical fashion.

Please fix A&C's production to comply with Rule 34.

II. Objection and collection of electronic documents.

Among A&C's general objections, A&C represented that it would not incur "the burden of a complete search for all responsive electronically stored information, including emails" because that would "outweigh the likely benefit of such efforts." A&C Response, General Objection. Can you please clarify which categories of documents or electronically stored information A&C has failed to search? It appears much of the email correspondence was selected by forwarded email to the cmb5@andcgatar.com address. In other words, what categories of documents or emails have you withheld based on this objection?

Along those lines, much of the correspondence involves documents shared on dropbox; but I did not see any production or folders from a dropbox account. Can you please clarify what efforts, if any, A&C undertook to obtain dropbox documents? (Or perhaps just clarify that I've missed the dropbox documents.)

III. A&C's claimed \$5 million for costs associated with delays.

A&C represented in its operative complaint that it advanced "\$5 million into the Project to pay for costs associated with delays and disruptions." Second Am. Compl., ¶ 19. Can you please identify the documents that support that contention?

IV. Rule 33(d) summary is inadequate.

In response to Defendants' Interrogatories 7-11, A&C failed to detail its alleged damages and instead referred Defendants to non-privilege documents that would answer the interrogatories. A&C's production does not appear to include documents detailing the requested information. In any event, Rule 33(d) requires that A&C specify the records Defendants should review to obtain the requested information. Please amend your responses to comply with Rule 33(d).

Brent

<image001.jpg>

Brent R. Owen

Attorney

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From: Krauze, Raymond M. [<mailto:Raymond.Krauze@klgates.com>]
Sent: Thursday, May 3, 2018 9:08 AM
To: Owen, Brent R. <brent.owen@squirepb.com>; robert.tonn@hklaw.com
Cc: william.farley@hklaw.com; Pasternak, Daniel B. <daniel.pasternak@squirepb.com>; Moore, Abram <abe.moore@klgates.com>; Pyznarski, Kathleen A. <kathleen.pyznarski@squirepb.com>; Amoroso, Gwendolyn E. <gwen.amoroso@klgates.com>
Subject: RE: A&C Construction v. Zurich, et al. - re: A&C's First Production of Documents [KLG-EU_Active01.FID38021]

Brent -

Let me verify with our client and get back to you.

<image002.jpg>

Raymond M. Krauze
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Chicago, Illinois 60601
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From: Owen, Brent R. [<mailto:brent.owen@squirepb.com>]
Sent: Thursday, May 03, 2018 7:38 AM
To: Krauze, Raymond M.; robert.tonn@hklaw.com
Cc: william.farley@hklaw.com; Pasternak, Daniel B.; Moore, Abram; Pyznarski, Kathleen A.; Amoroso, Gwendolyn E.
Subject: RE: A&C Construction v. Zurich, et al. - re: A&C's First Production of Documents [KLG-EU_Active01.FID38021]

Good morning Raymond,

Has A&C's production been made as the documents are kept in the usual course of A&C's business?

Thank you,

Brent

<image001.jpg>

Brent R. Owen
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M +1 972 762 7300
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From: Krauze, Raymond M. [<mailto:Raymond.Krauze@klgates.com>]
Sent: Monday, April 30, 2018 10:11 AM
To: robert.tonn@hklaw.com; Owen, Brent R. <brent.owen@squirepb.com>
Cc: william.farley@hklaw.com; Pasternak, Daniel B. <daniel.pasternak@squirepb.com>; Moore, Abram <abe.moore@klgates.com>; Pyznarski, Kathleen A. <kathleen.pyznarski@squirepb.com>; Amoroso, Gwendolyn E. <gwen.amoroso@klgates.com>
Subject: RE: A&C Construction v. Zurich, et al. - re: A&C's First Production of Documents [KLG-EU_Active01.FID38021]

Robert/Brent -

My apologies for the technical difficulties. I was advised by our IT department that the technical snafus have been worked out and that the site is working again. I am providing a new set of usernames/passwords for use on the site. Please disregard the usernames/passwords that I sent on Friday and use these. The file name uploaded is **"20180427_Production.7z."** Let me know if there are any issues. Thanks.

<https://secureftp.klgates.com>

The password for the zip file is: **.?v,'Tv5Y47h^!\2**

Brent.owen@squirepb.com

username: spb-bowen

password: iUo9:J.xi7

Daniel.pasternak@squirepb.com

username: spb-dpasternak

password: DS6zGJ/+?X

robert.tonn@hklaw.com

username: hkl-rtonn

password: 1YL%3z?y6S

colin.smith@hklaw.com

username: hkl-smithc

password: tRrp8%PjS5

william.farley@hklaw.com

username: hkl-wfarley

password: 51h}bQc)8W

<image002.jpg>

Raymond M. Krauze

Counsel

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Fax: (312) 827-8199

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From: robert.tonn@hklaw.com [<mailto:robert.tonn@hklaw.com>]
Sent: Monday, April 30, 2018 8:51 AM
To: Krauze, Raymond M.; brent.owen@squirepb.com
Cc: william.farley@hklaw.com; daniel.pasternak@squirepb.com; Moore, Abram;
kathleen.pyznarski@squirepb.com; Amoroso, Gwendolyn E.
Subject: RE: A&C Construction v. Zurich, et al. - re: A&C's First Production of Documents [KLG-EU_Active01.FID38021]

Ray – my user name/password does not work either.

Robert Tonn | Holland & Knight

Partner

Holland & Knight LLP

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From: Krauze, Raymond M. [<mailto:Raymond.Krauze@klgates.com>]
Sent: Monday, April 30, 2018 8:43 AM
To: Owen, Brent R. <brent.owen@squirepb.com>
Cc: Smith, Colin P (CHI - X66562) <colin.smith@hklaw.com>; Tonn, Robert E (CHI - X66687) <robert.tonn@hklaw.com>; Farley, William F (CHI - X66698) <william.farley@hklaw.com>; Pasternak, Daniel B. <daniel.pasternak@squirepb.com>; Moore, Abram <abe.moore@klgates.com>; Pyznarski, Kathleen A. <kathleen.pyznarski@squirepb.com>; Amoroso, Gwendolyn E. <gwen.amoroso@klgates.com>
Subject: Re: A&C Construction v. Zurich, et al. - re: A&C's First Production of Documents [KLG-EU_Active01.FID38021]

I will follow up with our IT people this morning and see what the problem is.

Sent from my iPhone

On Apr 30, 2018, at 6:54 AM, Owen, Brent R. <brent.owen@squirepb.com> wrote:

Raymond,

I am still unable to login to access the documents. Here is the error message:

<image002.png>

<image001.jpg>

Brent R. Owen

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M +1 972 762 7300
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From: Krauze, Raymond M. [<mailto:Raymond.Krauze@klgates.com>]
Sent: Friday, April 27, 2018 7:37 PM
To: Owen, Brent R. <brent.owen@squirepb.com>
Cc: colin.smith@hklaw.com; robert.tonn@hklaw.com; william.farley@hklaw.com;
Pasternak, Daniel B. <daniel.pasternak@squirepb.com>; Moore, Abram
<abe.moore@klgates.com>; Pyznarski, Kathleen A.
<kathleen.pyznarski@squirepb.com>; Amoroso, Gwendolyn E.
<gwen.amoroso@klgates.com>
Subject: Re: A&C Construction v. Zurich, et al. - re: A&C's First Production of Documents
[KLG-EU_Active01.FID38021]

Brett -

I've been advised that the tech issues have been resolved. Please let me know if you are still experiencing problems.

Sent from my iPhone

On Apr 27, 2018, at 7:17 PM, Owen, Brent R. <brent.owen@squirepb.com> wrote:

Raymond,

We are having technical issues obtaining the documents. Could you please repost them?

Thanks,

Brent

On Apr 27, 2018, at 7:27 PM, Krauze, Raymond M.
<Raymond.Krauze@klgates.com> wrote:

Dear Counsel,

Per A&C's responses to Defendants' First Request for Production of Documents, A&C has posted its First Production of Documents to an FTP site which can be accessed via the attached link. Your credentials to access the materials are listed below. Instructions on using the FTP site are attached for your reference. Please let us know if you have any trouble accessing the documents.

<https://secureftp.klgates.com>

The password for the zip file

is: `..?v,'Tv5Y47h^!\2`

Credentials:

Brent.owen@squirepb.com

Username: squ-bowen
Password: AVV~Q5v=+2

Daniel.pasternak@squirepb.com

Username: squ-dpasternak
Password: zG8]TpL}:{

robert.tonn@hklaw.com

Username: hkl-rtonn
Password: _*67^KV{a3

colin.smith@hklaw.com

Username: hkl-csmith
Password: t@=9[Kn(i4

william.farley@hklaw.com

Username: hkl-wfarley
Password: D5E:9Wtyx8

<image002.jpg>

Raymond M. Krauze

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<e-DAT_SecureFTP_Instructions.pdf>

47 Offices in 20 Countries

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